

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

Plaintiff,

-vs-

**ARTEMIO PENA,**

Defendant.

**Case No. 03-CR-206**

**USCA 04-1854**

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**DECISION AND ORDER**

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The above-captioned case was remanded by the Seventh Circuit Court of Appeals to this Court with direction to act according to the guidance outlined in the case of *United States v. Paladino*, 401 F.3d 471, 7th Cir. (Ill), Feb. 25, 2005.

The Court pursuant to *Paladino* requested briefing on the issue of whether the Court should or would, if required to resentence the defendant, impose the original sentence or a different one.

The Court has read the submissions and finds that a full remand is not necessary. On full remand, the Court, applying advisory guidelines, would have imposed the original sentence.

Dated at Milwaukee, Wisconsin, this 20th day of June, 2005.

**SO ORDERED,**

s/ Rudolph T. Randa  
**HON. RUDOLPH T. RANDA**  
Chief Judge